

PROGRAM CHECKLIST

Practice Issues

ADMINISTRATION

Section 7 or 8. Application Procedures

INITIAL CERTIFICATION	7(f) Submit application and supporting materials to the IJC
RECERTIFICATION	8(d) Submit application and supporting documents at least 30 days before on-site review.

Section 19. Eligibility and Non-discrimination

- Have a written description of the criteria for the acceptance of substance use-involved offenders as clients who are eligible to receive one (1) or more services provided by the court program. (this might be in PPM or on orientation forms or somewhere else) [19(a)]
- A program must **have and post in a conspicuous place** a written policy of nondiscrimination that is provided to the client and addresses nondiscrimination on the basis of race, religion, gender, ethnicity, age, and disabilities. [19(b)]
- Must have a form stating policy with client signature in client record. [19(c)]

PROGRAM MANAGEMENT

Section 18. Program Goals and Objectives

- Have a written statement of goals and objectives that clearly reflects the program's philosophy and guides the operation of the program and the delivery of services. The statement shall be reviewed annually and revised as necessary. (could be in PPM or other place)

Section 27. Program Management and Oversight

- Have a governing body, which is the individual, board, or other entity that has ultimate responsibility for the management, operation and control of the program, and maintain on file a description of the members of the governing body. [27(a)]
- The governing body must formally designate a program director to be responsible for the daily operation and administration of the program. [27(b)]
- Have specific, written procedures for conducting day-to-day program activities that meet the following criteria: (this is policy in the PPM) [27(c)]
 - The program's operational and administrative structure is fully documented by organizational charts that depict programmatic lines of authority, identify all staff positions and accurately reflect current program practice.
 - The policies and procedures manual describes the staff functions and the procedures by which the principles and guidelines established by the governing body will be implemented into program operations.
 - The policies and procedures manual is updated as needed, but at least annually.
 - The policies and procedures manual is available to the governing body and staff.
- Program Director must do the following: [27(d)]
 - Prepare an annual written report that includes
 - A summary of the program's activities and accomplishments
 - A summary of the program's user fee fund, including beginning and ending balances and a summary of income and expenditures
 - Documentation of any certification reviews or visits

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- Submit a copy of the annual report to IJC no later than 90 days after the close of the program's reporting period.
(either calendar or fiscal year) [27(e)]
- Any time a program refers a client to a provider for addiction treatment services not provided by the program, the program must do the following
 - determine annually that the addiction treatment services provider is certified by the division of mental health and addiction, or an equivalent certifying agency if the addiction treatment services provider is located out-of-state or is a federal hospital; and
 - have a referral arrangement with the addiction treatment services provider that at a minimum includes procedures for the following:
 - initiation and acceptance of referrals;
 - exchange of client-related information; and
 - post-referral reporting by the addiction treatment services provider that enables the program to perform its client-monitoring responsibilities.
- The referral arrangements with an addictions services provider must be documented in a written referral agreement if the court program has referred or plans to refer ten (10) or more client to the provider for treatment in any calendar year. [27(f)]
- Display its certificate of approval issued by the Indiana Judicial Center authorizing it to provide program services in a prominent place in the program office. A copy must be kept on file in the office of the Indiana Judicial Center. [27(g)]

Section 30. Professional Requirements

- Have procedures describing staff qualifications. [30(a)]
- All professional staff members hired after December 31, 2004, must obtain and maintain a Court Substance Abuse Management Specialist (CSAMS) credential. [30(b)]
- All professional staff members hired after June 30, 2004, including program directors, must attend a staff orientation program conducted by the Indiana Judicial Center within one (1) year from the date that the staff person is first employed. [30(c)]
- A professional staff member hired before January 1, 2005, is not required to obtain the CSAMS credential, but may choose to do so. The Indiana Judicial Center must award the credential to each program staff member hired before July 1, 2004 [30(d)]
- A professional staff member who was hired before January 1, 2005, performs client assessments, and does not have a current CSAMS credential must have assessment staff status. Individuals will be allowed one (1) year cumulatively as an assessment staff person to achieve assessment staff status. [30(e)]
- Each professional staff member must document the following continuing education for each calendar year:
 - Twenty (20) hours of substance abuse or case management training; and
 - Five (5) hours training related to issues specific to the criminal justice system. [30(f)(1)]
- To maintain a CSAMS credential or assessment staff status, a professional staff member must document compliance with the CSAMS requirements for each calendar year after the year in which the CSAMS credential or the assessment staff status was obtained. [30(f)(2)]

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- Each program director must: [30(f)(3)]
 - Approve and maintain documentation of the continuing education hours in the staff member's personnel files; and
 - No later than February 1 of each year, notify the Indiana Judicial Center of any staff member who failed to fulfill continuing education requirements for the previous year, the reason for the failure, and the corrective action to be taken.
- Reinstatement of professional staff members. A person who is no longer employed by a court alcohol and drug program as a professional staff member may allow the person's CSAMS credential or assessment staff status to become inactive for a period of not more than three (3) years. In order to reinstate the person's CSAMS credential or assessment staff status, the person must do each of the following: [30(g)]
 - Document that the person obtained twenty (20) hours of substance abuse or case management training and five (5) hours of criminal justice training within the year prior to being rehired as a professional staff member.
 - Attend a staff orientation program conducted by the Indiana Judicial Center within one (1) year from the date that the person resumes employment as a professional staff person.

Section 31. Substance Abuse Education Standards

- For each substance abuse education course a program offers, the program must do each the following: [31(c)]
 - Have a written curriculum that includes:
 - A course syllabus that provides detailed course information;
 - Course lesson plans or lesson outlines;
 - A list of supporting materials including handouts, videos, class exercises, individual or group activities, and other materials as appropriate;
 - General references; and
 - Research references.
 - Submit the curriculum to the Indiana Judicial Center for evaluation and approval.
 - Maintain a copy of the Indiana Judicial Center's approval with the course curriculum.
- The program director must approve each education instructor's qualifications. A court substance abuse instructor must meet **each of the following**: [31(g)]
 - Substance abuse expertise demonstrated **by any one of the following**:
 - Achievement of assessment staff status under Sec 30(b)
 - Certification by ICAADA
 - Other substance abuse qualifications, including personal experience or certification by another professional organization that the program director considers to be acceptable.
 - Criminal Justice expertise, which includes knowledge of and experience dealing with courts and the criminal justice system.
 - Training and experience as a teacher or instructor.

Section 32. Contractors

- A sponsoring court or its court program may contract with a person, firm, corporation, association, or governmental entity, including another court or court program, to provide one (1) or more services for the court program except eligibility determination and case termination. A contractor must possess and demonstrate the capability to provide contractual services for the program in the manner intended and meet all requirements contained in IC 12-23-14 and these rules that apply to the services the contractor will provide. [32(a)]
- If a program contracts for one (1) or more services with a person, the contractor or any person performing services under the contract may not: [32(b)]
 - Be an employee of the program; and
 - Receive compensation from the program for services other than the contracted services.

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[32(c)]

- **This subsection applies to contract-based programs** operated by an addiction treatment services provider. The program must have a policy and procedures that, at a minimum, meet the following requirements:
 - **A judge** ordering a defendant to participate in the program shall inform the defendant of each of the following:
 - The court program is operated by an addiction treatment services provider who provides the court program services and also provides treatment at an additional cost.
 - If treatment is recommended, the defendant will be provided with a list of acceptable treatment providers and the defendant has a right to select any provider on that list without coercion or fear of retaliation.
 - The defendant has the right to a reasonable period of time of at least seventy-two (72) hours to gather information about the various treatment providers on the list before deciding which provider to select.
 - The defendant has a right and an obligation to report to the court or to the Indiana Judicial Center any pressure to select the contract program's agency as the defendant's treatment provider.
 - Any treatment options that may be available for free or at a reduced cost for indigents or any funding options that may be available to pay for or offset the cost of treatment for indigents.
 - **The program director** of that provides treatment to any of its court-ordered clients shall do the following:
 - For each court-ordered client who is referred to treatment, provide a list of acceptable treatment providers located within the county and surrounding counties.
 - Give the client a reasonable period of time of at least seventy-two (72) hours to consider which treatment provider to select before requiring the client to report the client's choice back to the program.
 - Assure the client in writing that in monitoring the client's compliance the client will gain no favor by selecting the agency with the court contract and the client will not lose favor by selecting another agency.
 - Permit a court ordered client to propose a treatment provider not represented on the list provided the client proposed provider meets the minimum standards required by the Indiana Judicial Center and the Division of Mental Health and Addictions, and is able to provide the required treatment.
 - Report every six (6) months to the supervising judge how many clients were referred to the program, and of those referred to the program how many were referred to treatment, and how many were ultimately referred to each different treatment provider on the list, including how many resulted in self referrals for the program and how much revenue was generated by those self referrals.
 - File a disclosure in compliance with IC 35-44-1-3(d).

CLINICAL STANDARDS

Section 20. Client's Rights

[20(a)]

- The program shall ensure that all individuals participating in the program are given a written statement of client rights and an explanation of those rights.

[20(b)]

- Each client has the following rights: **(needs to be on the form)**
 - Right to confidentiality under federal and state laws relating to the receipt of services.
 - Right to be informed of the various steps and activities involved in receiving services.
 - Right to humane care and protection from harm, abuse and neglect.
 - Right to contact and consult with an attorney of the client's choice at the client's expense.
 - Right to make an informed decision whether to participate in the program or refuse participation and be sent back to the referring court. The client's consent to receive program services must be in writing and included in the client's record.

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[20(d)]

- A program must have a form to inform each client in writing of the client's rights described in subsection (b). The form must contain a signature line or a signature page for the client to indicate that the client has been provided a copy of the form and understands the information described in the form. The program must place the signed form or signature page in the client's record.

Section 21. Client Intake and Orientation

[21(a)]

- A program must have and observe written policies and procedures for client intake and orientation that inform the client in writing of:
 - the rules governing the client's conduct and behavior that could result in disciplinary action or discharge;
 - the hours during which services are provided;
 - the financial arrangements including services to be provided, the rate for the services, a reasonable projection of the time for which services will be provided and the conditions of payment; and
 - the program's grievance procedures, including the procedure for the review, determination, and amelioration of alleged violations of a client's rights, discussed in Section 20(c).

[21(b)]

- The program must document compliance with subsection (a) in the client's record

Section 22. Client Assessments

[22(a)]

- A program must have written policies and procedures for scheduling and conducting client substance abuse assessments that require that:
 - Assessment staff must use a form that contains all the information described in
 - subsection (b). The completed form must be maintained in the client's record.
 - The assessment must result in a referral that is supported by the evidence obtained during a personal interview with the client.
 - Portions of the form may be completed by the client at the discretion of the program director.
 - The procedure specifies the period of time, not to exceed six (6) weeks, that may pass between the date the judge orders the person to participate in the program and the date the program conducts the assessment.
 - The procedure specifies the length of time that the program regularly sets aside for a client assessment appointment.

[22(b)]

- The substance abuse assessment must include information about the following:
 - Statement of the presenting problem, including the client's version
 - Social and peer group
 - Military service history
 - Financial status
 - Alcohol and drug use of family members and attitudes toward such use
 - Occupational and educational status
 - Legal history and current legal status
 - History of medical problems
 - History of mental health problems
 - Current thoughts of suicide or homicide
 - Family history and environmental setting from which the client comes
 - Alcohol and drug use history, which includes
 - Substances used, including prescription and over-the-counter drugs
 - Year of first use of each substance
 - Substances used in the past 48 hours
 - Substances of preference
 - Frequency of use of each substance
 - Previous occurrences of overdose, withdrawal, or adverse drug reactions
 - Method of administration of each substance
 - History of previous substance abuse treatment received

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- Except as provided in subsection (e), the program must develop for each client a written individual service contract (“ISC”) that identifies and responds to the evidence and recommendations determined during the substance abuse assessment. The procedure for developing the ISC must meet the following requirements: [22(c)]
 - The ISC is developed by an assessment staff member.
 - The ISC must state:
 - the evidence obtained during the assessment;
 - the recommendations supported by the evidence;
 - the requirements and expectations for satisfactory completion of the contract by the client; and
 - the consequences for failure to complete the contract satisfactorily.
 - The ISC must be signed by the client and by an assessment staff member acknowledging that the client has participated in its development and has received a copy.
 - The individual service contract is maintained in the client record.
- Changes to an individual service contract may be made by a professional staff member of a program and must be documented in the client’s record. [22(d)]
- A program is not required to develop a new individual service contract if: [22(f)]
 - The program is only implementing or monitoring the implementation of a individual service contract on behalf of another court program; and
 - The individual service contract is available to the implementing court program

Section 23. Client Privacy

- The privacy of each client shall be respected to the maximum extent feasible at each program, and shall at a minimum meet the following:
 - Private space is used for conducting intake, orientation, assessment, case management and education appointments
 - Procedures specify how client privacy is maintained with regard to visitors and other non-program personnel

Section 24. Confidentiality of Client Records

- Staff follows procedures described in policy (PPM) [24(a)]
- Records disposed of within the proper time frame [24(b)]
- A program must have a release of information form used to inform each client in writing of the program’s policies and procedures, and to obtain the client’s consent for the release of confidential information to specified individuals for certain purposes. The form must meet the following requirements:
 - Contain a signature line for the client to indicate that the client understands the rights described in the form
 - Contain a signature line for a witness, and
 - Any blank lines remaining after the form has been completed must be crossed out or marked “NA” to ensure the forms cannot be altered after being signed by the client
- The program must place the form with the client’s original signature or a facsimile copy of the form in the client’s record. [24(c)]

Section 25. Case Management

- The procedure for recording client progress must match policy [25(a)]
- The client record must include progress notes that: [25(b)]
 - are filed or maintained in chronological order and identifies the staff member making the entry
 - document any of the following:
 - Relevant contact(s) with the client
 - Relevant contact(s) with an individual or an agency that includes a reference to the client

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[25(c)]

- The program must monitor the progress of each client in satisfactorily completing the client's ISC and other requirements governing the client's conduct or performance during participation in the program. The monitoring procedure must, at a minimum, be capable of determining clients who have:
 - Failed, as scheduled or required, to comply with the ISC
 - Failed to comply with the rules of conduct governing the client's participation in the court program or of a service provider to which the client was referred
 - Been successfully or unsuccessfully discharged or terminated by a service provider to which the client was referred

25(d)]

- Establish a procedure for terminating clients court-imposed obligation and provides written notice to the court. At the supervising judge's discretion, the policy and procedure for providing written notice to the court that the client has successfully completed or violated any requirement of the ISC may take the form of a discharge summary or discharge report placed in the file

FACILITIES

Section 26. Facilities

[26(a)]

- All facilities where program services are provided must be located, constructed, and operated in a manner that protects and preserves the privacy, confidentiality, health, and safety of program clients and staff.

[26(b) & (c)]

- The program's facilities and operations must conform to all applicable federal, state, or local health and safety codes, including fire protection. All facilities must maintain recent documentation of compliance with all applicable codes.

[26(d)]

- In order to ensure client confidentiality, the program's facilities, including waiting rooms, offices and group areas must be arranged in a way that minimizes disclosure to the general public of the person's status as a client of the alcohol and drug services program.

[26(e)]

- The facilities must provide adequate space for storage of client records and permit client records to be properly secured at all times as required under 42 CFR Part 2, Section 2.16.

FISCAL

Section 28 Fiscal Management

[28(a)]

- Have developed and implemented an accounting system with the capability to ensure financial transactions are thoroughly documented and handled in a uniform and consistent manner. (Ensure reconciliation)

- Have a current budget

[28(b)]

[28(c)]

- Have a documented schedule of fees for each certified service and procedures to ensure payments for services.

[28(d)]

- The cost of all certified services combined that are provided to an individual under any (1) one cause number, including the cost of any education services whether they are provided directly, by contract, or by referral, may not exceed the amount permitted under IC 12-23-14-16.

[28(e)]

- When transferring a case to another court program, a program may charge a client a transfer fee of up to \$100. The receiving program may then charge the difference between the transfer fee and the statutory user fee cap.

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- Have effective cash handling controls and procedures, which prevent theft of funds. [28(f)]
- Money a program receives from a city or town user fee fund must be used to fund program services in compliance with IC 33-19-8-3. Money a program receives from a county user fee fund must be used to fund program services in compliance with IC 33-19-8-5. [28(g)]

PERSONNEL

Section 29. Personnel Management

- The program shall develop and adhere to a written personnel policies and procedures manual (or put personnel policies in PPM) [29(a)]
- The program shall have a system to verify credentials and qualifications of staff, volunteers, and consultants [29(b)]
- The program shall keep personnel and other records which contain information necessary to carry out the personnel management function, including but not limited to: [29(c)]
 - Application or resume
 - Verification of qualifications, licensure, and credentials, when applicable
 - Documentation of program orientation for newly hired staff or volunteers
 - Job descriptions that include at a minimum:
 - Job title
 - Qualifications
 - Credentials, if applicable
 - Reporting and supervisory responsibilities
 - Position changes
 - Documentation of in-service and continuing education activities
 - Documentation of commitment to adhere to ethics requirements